Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

BRUCE F. BOWMAN,	)	Supreme Court
	)	of Illinois
Petitioner,	)	No. 18666
	)	
	)	Commission
v.	)	No. 01 IA 2001
	)	
ILLINOIS ATTORNEY REGISTRATION	)	
AND DISCIPLINARY COMMISSION,	)	
MARY ROBINSON, Administrator,	)	
Respondent.	)	

X.

SEPARATE VOLUME APPENDIX TO
PETITION FOR WRIT OF CERTIORARI

BRUCE F. BOWMAN, 0264881
Petitioner-Appellant
1741 West Galena Blvd.
Aurora, Illinois 60506
Telephone (630) 844-1741
Wisconsin Telephone and MCI
Voice Mail (262) 248-1539

ORAL ARGUMENT REQUESTED

13 pp

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2. SUPREME COURT OF ILLINOIS ORDER PETITION OF BRUCE F. BOWMAN FOR LEAVE TO FILE EXCEPTIONS TO REPORT AND RECOMMENDATION OF REVIEW BOARD IS DENIED. RESPONDENT IS TRANSFERRED TO DISABILITY INACTIVE STATUS UNTIL FURTHER ORDER OF COURT RULE 758, AS RECOMMENDED BY THE REVIEW BOARD. FILED 5-22-3002			US 2
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10. CERTIFICATION, CLERK OF THE SUPREME COURT OF ILLINOIS, ... Filed in this office on the 11th day of May A.D. 2001			
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said court this 29th day of June 2001 FILED 6-29-2001			
RoA C000256, mailing 257-8		A321-323	US 59
Resp. Ex. 24 RoA C00256		A324	US 59
11. 11-15-2001 ARDC ORDER Motion for Rehearing to Strike Administrator's Rule 253 Report, and barr witnesses from being called By Administrator DENIED	RoA C000762	A 238	US 60
12. 9-24-2001 ILLINOIS SUPREME COURT ORDER Motion to Vacate Court's Order for Examination And for certain other relief DENIED	RoA C000677	A 344	US 61

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13. January 2001 ILLINOIS SUPREME COURT RULES AND ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION RULES 753, 758, 760, 235, 251, 253, 260, 276

These rules are in January 2001 Attorney Registration and Disciplinary Commission gray book and not consecutively numbered, and they are evidence, 1-28-2002 Hearing, Respondent Exhibit 15.

See Respondent's 1-28-2002 Table of Exhibits Pages 1 and 2.

1-28-2002 Hearing Board Hearing Respondent Exhibit 15 in the gray book, January 2001 Rules of the Supreme Court of Illinois

and refer to

1-28-2002 Hearing Board Hearing Respondent Exhibit 16 is laminated cover January 2001 Rules of the Supreme Court

and refer to

1-28-2002 Hearing Board Hearing Respondent Exhibit 17 is laminated page 42 January 2001 Rules of the Supreme Court

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and refer to

1-28-2001	Hearing Board Hearing Respondent Exhibit 18 is laminated page 43 January 2001 Rules of the Supreme Court.	
RULE 753	Inquiry, Hearing, and Review Boards	
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RULE 758	Mental Disability or	
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14. ILLINOIS COMPILED STATUTES
735 ILCS 5/2-607
(a) Bills of Particulars

M.R. 18666

IN THE

SUPREME COURT OF ILLINOIS

In re: BRUCE F. BOWMAN	)	Attorney Registration and
	)	
Attorney/Respondent.	)	

ORDER

This cause coming to be heard on the motion of the attorney-respondent, a response having been filed by the petitioner, and the court being fully advised in the premises:

IT IS ORDER that the motion for rehearing on the petition for leave to file exceptions is denied.

Order entered by the court.

FILED

JUL 7 – 2003

SUPREME COURT CLERK

US 1

(Seal)
SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62702

Juleann Hornyak
Clerk of the Court
217-782-2035

May 22, 2003

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Mr. Bruce F. Bowman
1741 West Galena Blvd.
Aurora, IL 60506

TODAY THE COURT ENTERED THE FOLLOWING ORDER:

M.R. 18666 – In re: Bruce F. Bowman. Disciplinary Commission.
The petition by respondent Bruce F. Bowman for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is transferred to disability inactive status until further order of the Court pursuant to Supreme Court Rule 758, as recommended by the Review Board.

Order entered by the Court.

cc: Mr. Steven R. Splitt
Ms. Rosalyn B. Kaplan
Mr. Kenneth Jablonski, One Prudential Plaza

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IN RE BRUCE F. BOWMAN,

Respondent-Appellant

No.01 IA 2001

CONFIDENTIAL

Synopsis of Review Board Report and Recommendation

(January 2003)

The Administrator filed a petition under Supreme Court Rule *758,* seeking a determination whether Bowman was mentally incapacitated from practicing law. The Supreme Court granted the Administrator's motion for a mental examination, and Bowman was examined by a psychiatrist.

Bowman denied disability and raised numerous issues before the Hearing Board.

Following a hearing, the Hearing Board found that Bowman was incapacitated from practicing law and recommended that he be transferred to disability inactive status, pending removal of the disability.

Bowman filed exceptions, alleging multiple errors by the Hearing Board. The Administrator seeks to uphold the Hearing Board's finding of disability and recommendation of transfer to

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inactive status.

The psychiatrist who examined Bowman pursuant to the Court's order testified that Bowman suffered from a delusional disorder, exhibited overt paranoid psychotic symptoms, and had extremely impaired judgment. While other witnesses, including Bowman, testified, no other mental health professional testified.

The Review Board upheld the Hearing Board's finding of incapacity, given the applicable standard of review, and agreed with the Hearing Board's recommendation that Bowman be transferred to disability inactive status under Supreme Court Rule *758,* until further order of the Court.

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BEFORE THE REVIEW BOARD

OF THE

ILLINOIS ATTORNEY REGISTRATION AND

DISCIPLINARY COMMISSION

In the Matter of:	)	
BRUCE F. BOWMAN,	)	No. 01 IA 2002
Respondent-Appellant,	)	**CONFIDENTIAL**
	)	
No. 264881.	)	

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

On May 3, 2001, the Administrator-Appellee filed a petition pursuant to Supreme Court Rule *758* (188 Ill.2d R. *758),* seeking a determination whether Respondent-Appellant, Bruce F. Bowman, was incapacitated from practicing law due to mental infirmity and/or mental disorder and whether he should be transferred to disability inactive status or permitted to practice subject to conditions.

On the Administrator's motion, the Supreme Court entered an order for a mental examination of Bowman. S. Dale Loomis, M.D. conducted the examination. Dr. Loomis, a psychiatrist, met with Bowman on three separate occasions. Bowman took the Minnesota Multiphasic Personality Inventory (MMPI), an objective

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psychological test, as part of the examination. Mayo Clinic analyzed Bowman's answers to the MMPI and provided Dr. Loomis with a report of its analysis.

Bowman raised various issues prior to hearing. Ultimately, Bowman filed an answer, denying mental disability.

After a hearing, the Hearing Board found that Bowman was incapacitated from practicing law and recommended that he be transferred to disability inactive status, pending removal of the disability.

The matter is before the Review Board on Bowman's exceptions. Bowman objects to the Hearing Board's findings and recommendation, on numerous grounds. The Administrator seeks to uphold the Hearing Board's findings that Bowman is incapacitated and its recommendation of transfer to disability inactive status.

We have carefully reviewed the briefs and the record and considered the issues raised by both parties. We affirm the findings and conclusions of the Hearing Board.

In a proceeding under Supreme Court Rule 758 (188 Ill. 2d R. 758), the Administrator has the burden of proving mental incapacity, by clear and convincing evidence. In re Eckberg, 192 Ill. 2d 70, 84, 733 N.E.2d 1244, 248 Ill. Dec. 246 (2000). Clear and convincing evidence requires more than a preponderance of the evidence, though it is less stringent than the criminal standard of proof beyond a reasonable doubt. Bazydlo v. Volant, 164 Ill. 2d 207, 647 N.E.2d 273, 207 Ill. Dec. 311, 314 (1995); People v. Williams,

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143 Ill. 2d 477, 484, 577 N.E.2d 762, 160 Ill. Dec. 437 (1990).

On review, the Hearing Board's factual findings are not disturbed unless they are against the manifest weight of the evidence. Eckberg, 192 Ill. 2d at 84-85, 733 N.E.2d 1244, 248 Ill. Dec. 246. A finding is against the manifest weight of the evidence when an opposite conclusions is clearly apparent or the fact found appears unreasonable, arbitrary, or not based on the evidence. Leonardi v. Loyola University, 168 Ill. 2d 83, 106, 658 N.E. 2d 450, 212 Ill. Dec. 968 (1995). The Hearing Board's findings of fact deserve deference because the Hearing Board is able to observe the witnesses and their demeanor while testifying, judge credibility, and resolve conflicting testimony. Eckberg, 192 Ill. 2d at 84, 733 N.E.2d 1244, 248 Ill. Dec. 246. The Hearing Board's recommendation as to disposition is advisory. Eckberg, 192 Ill. 2d at 85, 733 N.E.2d 1244, 248 Ill. Dec. 246.

The Hearing Board's finding of incapacity here is amply supported by the evidence, including the testimony of Dr. Loomis. Dr. Loomis testified to Bowman's general mental state. His testimony was confined to matters within his competence as a psychiatrist.

Dr. Loomis testified that Bowman had a delusional disorder with persecutory features. While Bowman's general personality remained intact, Bowman exhibited overt paranoid psychotic symptoms. The results of the MMPI showned that Bowman has extreme paranoid and delusional symptoms. Dr. Loomis

concluded that Bowman demonstrated a lack of insight and extremely impaired judgment. Dr. Loomis testified that Bowman also had no understanding of the degree of his symptoms or their significance. Bowman's total lack of insight into his symptoms and severe impairment of reality, In Dr. Loomis's opinion, impaired Bowman's judgment "to the point of nonrecognizability."

Proceedings involving attorney competence are designed to protect the public, maintain the integrity of the legal profession, and safeguard the administration of justice from reproach. Eckberg, 192 Ill. 2d at 88, 733 N.E.2d 1244, 248 Ill. Dec. 246. Such proceedings seek to protect the interests of the public while not unduly penalizing an attorney who suffers from a mental disorder. See In re Bourgeois, 25 Ill. 2d 47, 51, 182 N.E.2d 651 (1962). A proceeding under Rule 758 does not require proof of misconduct, but instead is designed to determine whether the respondent has the mental capacity to practice law. In re Jafree, 93 Ill. 2d 450, 457-58, 444 N.E.2d 143, 67 Ill. Dec. 104 (1982).

The Hearing Board's finding that Bowman is mentally incapacitated from practicing law is not contrary to the manifest weight of the evidence. Its recommendation that Bowman be transferred to inactive status likewise is supported by the record.

An attorney transferred to inactive status due to mental disability may petition the Supreme Court for restoration to active status, under Supreme Court Rule 759 (188 Ill. 2d 759), when the disability is removed. While Dr. Loomis opined that Bowman's lack

of insight into his condition rendered it unlikely that Bowman would seek, and comply with, treatment, Dr. Loomis also testified that, with proper treatment, Bowman's prognosis would be good.

For the foregoing reasons, we affirm the Hearing Board's findings of mental incapacity and its recommendation that Respondent-Appellant, Bruce F. Bowman, be transferred to disability inactive status until further order of the Court.

Respectfully submitted,

James E. Caldwell

Kevin M. Forde

Terrence V. O'Leary

Dated 29 January 2003

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In re Bruce F. Bowman

Commission No. 01 IA 2001

Synopsis of Hearing Board Report and Recommendation

NATURE OF THE CASE: Petition to determine whether the attorney is incapacitated from practicing law by reason of mental infirmity and/or mental disorder, and whether he should be transferred to non-disciplinary inactive status pending removal of disability.

RULE(S) DISCUSSED: Supreme Court Rule 758

RECOMMENDATION: Transfer to inactive status.

DATE OF OPINION: July 2002.

HEARING PANEL: John M. Steed, III, Stephen H. Pugh, and Frances D. McConnell Williams

RESPONDENT'S COUNSEL: Pro se.

ADMINISTRATOR'S COUNSEL: Christine Anderson

RoA C001662 A1 US ID

BEFORE THE REVIEW BOARD

OF THE

ILLINOIS ATTORNEY REGISTRATION

AND

DISCIPLINARY COMMISSION

In the Matter of:	)	
BRUCE F. BOWMAN,	)	No. 01 IA 2002
Respondent-Appellant,	)	**CONFIDENTIAL**
	)	
No. 264881.	)	

REPORT AND RECOMMENDATION OF THE HEARING BOARD

INTRODUCTION

The hearing was held on January 28, 2002, at the Chicago, Illinois offices of the Attorney Registration and Disciplinary Commission ("ARDC") before the Panel of John M. Steed, III, Chair, Stephen H. Pugh, and Frances D. McConnell Williams. Christine Anderson represented the Administrator of the ARDC. Respondent appeared pro se.

THE PETITION AND ANSWER

On May 3, 2001, the Administrator filed a petition pursuant to Supreme Court Rule 758 to determine whether Respondent was incapacitated from practicing law by reason of mental infirmity and/mental disorder, and whether he should be

RoA C001663 A2 US 11

transferred to non-disciplinary inactive status pending removal of the disability. The petition alleged that on September 14, 2000, Respondent made inappropriate comments in open court and included those comments in a written order. In October 4, 2000, in response to the Administrator's inquiry, Respondent suggested that his incoming and outgoing telephone calls had been stolen. On March 13, 2001, in a sworn statement, Respondent reiterated that his telephone calls had been stolen, and also stated that he heard voices on a daily basis and that satellites were pointed at him. Respondent also produced numerous letters he had written between 1998 and 2000, directed to the United States Attorney's Office, various telephone service providers, numerous television personalities and others, regarding his beliefs that his telephone calls were being stolen.

Respondent filed an answer to the petition denying nearly all of the allegations. Respondent also filed numerous motions objecting to the petition.

THE EVIDENCE

The Administrator presented three witnesses, called the Respondent as an adverse witness, and tendered exhibit 1-8, 10-29, and 31-33, which were admitted. Respondent presented one witness, testified on his own behalf, and tendered exhibits 1-35, which were admitted.

Dr. S. Dale Loomis

Dr. S. Dale Loomis is a licensed physician with a specialty in psychiatry. At the Administrator's request, Dr. Loomis

evaluated Respondent to determine Respondent's ability to function as an independent practicing professional. Before meeting with Respondent, Dr. Loomis reviewed the petition filed by the Administrator, and documents supplied by the Administrator and Respondent. Dr. Loomis was also aware that in the mid-1980's Respondent had been hospitalized on two occasions at Mercy Mental Health Center in Aurora. Dr. Loomis met with Respondent on three occasions, with each meeting lasting between one and one and one-half hours. Respondent was appropriately dressed and on time for the meetings, and was pleasant and cooperative. (Tr. 24, 32-35, 41).

Respondent told Dr. Loomis that his telephone calls were being stolen or diverted, and he did not receive them. He also believed that he was not receiving the mail he was supposed to receive. Respondent also told Dr. Loomis that he heard voices, and could not identify to whom the voices belonged. The voices gave Respondent nebulous instructions or made comments about his behavior. Respondent further told Dr. Loomis that satellites were influencing him and that the satellites physically damaged him (Tr. 36-38).

Dr. Loomis described Respondent as "extremely circumstantial" and "perseverative." Circumstantial is a term used to describe behavior in which as individual gives endless and unnecessary detail on a particular point. Respondent gave Dr. Loomis a large amount of information on various topics that was not relevant or useful. Additionally, Respondent was perseverative which means

it was virtually impossible to get him to stop talking about a subject. Although Respondent was cooperative, he was focused on a topic and could not be moved from it. As a result, usually Dr. Loomis can complete an evaluation after one meeting, but because of Respondent's conduct, it took three meetings. (Tr. 38-43).

Dr. Loomis described Respondent's behavior as psychotic. Psychotic behavior is that which represents a tangible break with reality. Hearing voices when no one is there is a psychotic symptom that demonstrates a break with reality. According to Dr. Loomis, much of what Respondent talked about was based on "overtly delusional" periods relating to stolen telephone calls and was completely unresponsive to any logical approach. (Tr. 39).

Respondent took the Minnesota Multiphasic Personality Inventory (MMPI) test. The test requires an individual to answer a large number of true and false questions about themselves and the answers are sent to the Mayo Clinic for analysis. The results of Respondent's test showed that he had extreme paranoid and delusional symptoms. One of the questions in the MMPI asked "I believe I am being followed." Respondent answered "true" to this question. Dr. Loomis admitted that neither he nor the Mayo Clinic had any information regarding whether Respondent was actually being followed. (Tr. 40-41, 58-60; Resp. Ex. 7).

Dr. Loomis made several significant findings. Respondent had no central nervous system complications, his memory was intact, and he was functioning in the average intellectual range.

Respondent also demonstrated a lack of insight and had no understanding of the degree of his symptoms or the significance of them. Based on this lack of insight, Respondent's "judgment was extremely impaired." (Tr. 43-44).

Dr. Loomis diagnosed Respondent as having "delusional disorder with persecutory features." This condition involves overt paranoid psychotic symptoms in circumscribed areas, but with the general personality remaining in tact. Litigious behavior is often present with this condition, and is exemplified by the number of letters Respondent wrote about his telephone calls. (Tr. 43-46; Adm. Exs. 1-29).

Dr. Loomis concluded that "it's difficult for me to think that he is currently capable of independent professional work." Important factors in drawing this conclusion were Respondent's severe impairment of reality and his total lack of insight into his symptoms. These factors have impaired Respondent's judgment, "to the point of nonrecognizability." Dr. Loomis could not "imagine him as an independent professional in any profession." (Tr. 47-48).

Dr. Loomis opined that Respondent's prognosis was poor because it would be difficult to obtain the compliance necessary for treatment. Respondent's condition would respond well to treatment in the form of medication. However, doctors have had very little success in convincing individuals with this type of condition to undergo the treatment because the individual does not believe he has a problem. With proper treatment, Respondent's prognosis would be

good. (Tr. 48-49, 71-72).

Dr. Loomis is not a licensed attorney. He reviewed legal material supplied by Respondent, but did not read it in great detail or determine its merits. Dr. Loomis did not draw a specific conclusion regarding Respondent's ability to practice law. (Tr. 50-53, 61-66; Resp. Exs. 5-8).

James M. Wilson

James M. Wilson is a circuit court judge in the 16th judicial circuit, and is currently the presiding judge of the Kendall County courthouse. Judge Wilson presided over two cases brought against Robert Sharpenter, a criminal proceeding involving four counts of allowing domestic animals to run at large, and a civil proceeding involving the impoundment of those animals. The cases were based on incidents that occurred in March 2000, when three animals owned by Sharpenter were found running at large. (Tr. 76).

Respondent represented Sharpenter in the criminal case at the trial level and the civil case at the appellate level. Initially, in the criminal matter, Sharpenter retained Leonard Wojtecki to represent him. Wojtecki was appointed to a judicial position, and withdrew from the case. On August 31, 2000, Respondent was given leave to file his appearance. While in court, Respondent told Judge Wilson about an event that occurred in Lake Geneva earlier that day, and included that event in the court order. In the handwritten order, Respondent stated "Thursday 8-31-2000 Bruce F. Bowman went to the Lake Geneva, Wisconsin Post Office at 6:10 a.m. and used a key

to open post office box 1256, and there was no mail in post office box 1256, and there was the front of a woman's levis [sic] on the other side of the door of post office box 1256, Lake Geneva, Wisconsin." Respondent also stated in the order that he was entering his appearance to "attempt to determine what occurred before Thursday August 31, 2000 at 6:10 a.m." When Judge Wilson signed the order, he thought it was unusual, but was late for an appointment and did not question it. (Tr. 76-79; Adm. Ex. 30).

Respondent filed numerous motions in the criminal case, using arguments that applied to the civil case. For example, Respondent challenged the notice requirement and raised the statute of limitations, however, those arguments pertained to the civil, not the criminal case. Additionally, Respondent did not appear to understand the court's rulings, and relitigated the same motions that were already ruled on. Respondent also made unusual discovery requests for this type of case. The charges against Sharpenter were Class C misdemeanors. Respondent" discovery requests were typical of requests made in felony cases. Generally, a Class C misdemeanor case is completed in two months. Sharpenter" case took more than six months. The trial was not lengthy, but there were numerous motions filed by Respondent. Judge Wilson ultimately found Sharpenter not guilty on all counts, determining that the State had not met its burden of proof. (Tr. 79-87, 90, 93-99; Resp. Exs. 4, 25, 30).

Albert F. Hofeld is an attorney and the partner in the law firm of Holfed & Schaffner. He met Respondent in the late 1970's at the Illinois Trial Lawyers College, and subsequently saw and spoke with Respondent from time to time. Respondent told Hofeld that he was interested in investigating and bringing a lawsuit involving the interruption of his activities by voices. At one point, Respondent felt that the federal government or its agents were after him, wanted him to do things, or were interfering with what he wanted to do. Respondent said he had no evidence to support his claims, and Hofeld told him that without evidence there was no basis to go forward. (Tr. 103-105).

Sometime in the early to mid 1980's, Hofeld met with Respondent and hold him that part of an investigation into his claims would require Respondent to see a psychiatrist, and if the psychiatrist found that Respondent was not imagining his claims, a further investigation could be undertaken. Hofeld did not think that Respondent had a case, and wanted him to see a psychiatrist to get help. Hofeld did not know how Respondent reacted to this conversation, and did not speak with Respondent until 2002. (Tr. 105-108).

From time to time, Hofeld would receive letters from Respondent regarding filing lawsuits, hearing voices, and stolen telephone calls. In some of the letters, Respondent informed other individuals that Hofeld was representing him. They never had an attorney-client relationship, and Hofeld would send letters to the other

individuals correcting Respondent's assertion. On December 26, 2001, Hofeld received two letters from Respondent in which Respondent stated that if Hofeld attempted to telephone him, his calls were stolen, and if he tried to mail him anything, the mail was stolen. In January 2002, Hofeld saw Respondent, and told him that he did not telephone or write to Respondent, and that he did not find any basis for Respondent's proposed lawsuit. He also told Respondent to stop telling people that he was Respondent's attorney. (Tr. 108-12, 116; Adm. Exs. 14-29, 33).

Respondent

Respondent is 53 years old, was admitted to practice law in 1973, and is a sole practitioner. Respondent's only client is Sharpenter, and the only court appearances Respondent made in the 1990's was in Sharpenter case. Respondent is attempting to gather evidence to file a lawsuit against the telephone company for stolen telephone calls and the disconnection of his telephone in December 2001. Respondent's law practice was limited because he was waiting for his telephone to ring, so he could obtain evidence that his telephone calls were being stolen. (Tr. 118-21).

Between 1997 and 1999, Respondent lived in Tennessee, and corresponded with BellSouth, the local telephone company. Respondent requested that BellSouth investigate the theft of his telephone calls and other irregularities with his telephone service. In December 1998, Patrick Turner, an attorney with BellSouth, informed Respondent that there was no evidence that his

calls were being stolen, and that if Respondent still had concerns, he should contact the appropriate law enforcement authorities. (Tr. 121-24, Adm. Exs. 2-9).

In February 1999, in response to Turner's letter, Respondent applied for a position with the U.S. Attorney's Office in Chicago so he could prosecute stolen telephone call cases. Respondent did not get an interview for the position, did not receive any correspondence from the U.S. Attorney's Office, and was not hired for the position. He wrote several letters to the U.S. Attorney's Office claiming that his telephone calls and mail had been stolen. (Tr. 124; Adm. Exs. 10-15).

Beginning in September 1999, and after receiving no response from the U.S. Attorney, Respondent wrote numerous letters to Hofeld articulating his belief that either telephone calls and mail from the U.S. Attorney's Office were stolen or that the U.S. Attorney engaged in employment discrimination. Respondent also expressed an interest in suing the U.S. Attorney. Between January 2000, and April 2000, Respondent sent similar letters to Hofeld, and television journalists including Paula Zahn, Dan Rather, Ed Bradley, John Drury, Walter Jacobson, and Dick Kay. In one of these letters, Respondent accused the U.S. Attorney of allowing telephone calls to be stolen and of possibly stealing the calls himself. In August and December 2000, Respondent sent additional letters to Hofeld stating that he wanted to sue the U.S. Attorney. (Adm. Exs. 14-17).

In June 2000, Respondent sent letters to the numerous television journalists suggesting that the government causes satellites to be focused on citizens and that this practice was responsible for Gene Siskel's death and Tim Wigel's illness. Also in June 2000, Respondent sent a letter to numerous television journalists claiming that his telephone calls are stolen. In October 1999, Respondent sent other letters to the journalists and Hofeld with other complaints about a rental car and interference with one of his television stations. (Adm. Exs. 18, 19, 20, 26).

Between January 2000 and July 2000, Respondent sent numerous additional letters to Hofeld, television journalists, and other individuals regarding his telephone and mail service, and alleged misconduct of the U.S. Attorney. One of the letters questioned the significance of two dead raccoons Respondent saw on the side of the road when he was driving and asked "[d]o you think two dead raccoons might be evidence of time and/or money spent to attempt to damage Bruce F. Bowman ?" (Adm. Exs. 21, 23-29).

On August 30, 2000, Sharpenter called Respondent and asked if Respondent would represent him in court the next morning. Respondent was staying in Lake Geneva, Wisconsin, and told Sharpenter that he did not want to drive to the courthouse in Yorkville, Illinois. The next morning, at approximately 6:15 a.m., Respondent went to his post office box, opened the door of his box, and noticed the front of a woman's Levi's jeans pressed up against his box. Respondent thought that incident was unusual, and decided to

RoA C001673 A12 US 21

represent Sharpenter in court. After appearing in court, Respondent included the facts of this incident in the court order which granted him leave to file an additional appearance.
(Tr. 125-26; Adm. Ex. 30).

Respondent admitted to hearing voices on a daily basis. Sometimes the voices are nondescript and sometimes they ask specific questions. For example, when Respondent sees someone, the voices might ask him to identify the person. Respondent also stated the voices are like someone picking through his brain to find something to use against him. The voices have asked him specific questions such as "if I've seen anyone killed or something like that, and I haven't seen anyone killed." The voices do not tell Respondent to do anything. (Tr. 127-28).

Respondent believes that satellites are focused on citizens of the United States and of foreign countries. Respondent also believes that he is the target of government satellites that might follow him around at times, and take his picture. (Tr. 128-29). In late 1984 and early 1985, and in the spring of 1985, Respondent was hospitalized at the Mercy Mental Health Center after he heard voices. On one of those occasions, he was taken there by Aurora police officers. During the hospitalizations, he was prescribed Haldol and took it for a few months. He stopped taking the medication and has taken no medication and had no treatment since that time.
(Tr. 130-31, 163).

RoA C001674 A13 US22

Robert Sharpenter

In May 2000, Sharpenter was served with a four count criminal complaint charging that he let three domesticated animals run at large. Civil proceedings were also instituted against him. He initially represented himself, and a judgment was entered against him in the civil matter. Sharpenter hired Wojtecki to represent him in the criminal case. When Wojtecki withdrew, Sharpenter hired Respondent. Respondent also represented Sharpenter in the appeal of the civil case. (Tr. 138-142).

Sharpenter was extremely satisfied with Respondent's representation in the criminal matter and in the appeal. He has recommended Respondent to other people, and has received compliments about Respondent from those people (Tr. 142-47). Respondent told Sharpenter about what he saw at his Lake Geneva post office box. Sharpenter did not think it was particularly unusual. He know Respondent well, and described Respondent as having an interesting way of responding to things. Respondent has also told him about having his telephone calls stolen, about hearing voices, and about satellites. Sharpenter did not find Respondent's claims unusual. (Tr. 152-55).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

When alleging that an attorney is incapacitated from continuing to practice law, the Administrator must prove the allegations in the petition by clear and convincing evidence. In re Eckberg, 192 Ill. 2d 70, 733 N.E.2d 1244 (2000); S. Ct. R. 753(c)(6),

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and 758(b). It is well-settled that "clear and convincing evidence is a standard of proof which, while less than the criminal standard of proof beyond a reasonable doubt, is greater than the civil standard of preponderance of the evidence." Cleary and Graham, Handbook of Illinois Evidence, § 301.6 (6th ed. 1994). This standard of proof is one in which the risk of error is not equally allocated; rather, this standard requires a high level of proof, both qualitatively and quantitatively, from the Administrator. Stantosky v. Kramer, 455 U. S. 745, 764-66, 102 S.Ct. 1388 (1982); In re Tepper, 96 CH 543, M.R. 14596 (1998) (Review Bd. Dec. at 12). Suspicious circumstances are insufficient to warrant discipline. In re Lane, 127 Ill. 2d 90, 111 535 N.E.2d 866 (1989).

In the present case, based upon Respondent's admissions and the evidence presented at the hearing, we find that the Administrator has proven by clear and convincing evidence, that the Respondent is incapacitated from continuing to practice law by reason of mental infirmity and/or mental disorder. Respondent has a delusional disorder that impairs his ability to practice law and requires treatment.

The most persuasive evidence supporting Respondent's incapacity is the testimony of Dr. Loomis. Dr. Loomis interviewed Respondent on three occasions and reviewed numerous documents supplied by Respondent and the Administrator. Dr. Loomis found that Respondent exhibited extreme paranoid and delusional symptoms including hearing voices and claiming that his

telephone calls and mail are being stolen.

Dr. Loomis also found that Respondent's behavior was extremely circumstantial and perseverative, meaning that Respondent gave endless and unnecessary detail on a particular subject and it was virtually impossible to get him to stop talking about a subject. Respondent also demonstrated a lack of insight and had no understanding of the degree of his symptoms or the significance of them. Dr. Loomis concluded that Respondent's judgment was extremely impaired and that he was incapable of performing independent professional work in any profession.

Dr. Loomis's conclusions are supported by the testimony of other witnesses and other evidence in the record. Respondent exhibited his delusional and paranoid behavior for several years. In the late-1970's Respondent told Hofeld that he was interested in bringing a lawsuit involving the interruption of his activities by voices. Respondent also felt that the federal government was after him and interfering with what he wanted to do. In the mid-1980's Respondent was hospitalized on two occasions at the Mercy Mental Heal[illegible]nter after claiming he heard voices.

In the 1990's Respondent made a court appearance in only one case. He did not represent other clients because he was gathering evidence to file a lawsuit against the telephone company for stolen telephone calls. He spent a large portion of his time waiting for his telephone to ring. Respondent wrote letters to his telephone company requesting an investigation. An attorney for the telephone

company informed Respondent that there was no evidence that his calls were stolen and suggested that Respondent contact law enforcement authorities.

In 1999, Respondent applied for a position with the U.S. Attorney's Office so he could prosecute wire fraud. In correspondence with the U.S. Attorney's Office, Respondent stated that his telephone calls were being stolen. After he received no response from the U.S. Attorney's Office, Respondent believed that either his telephone calls and mail from the U.S. Attorney's Office were being stolen, or the U.S. Attorney engaged in employment discrimination. In 1999 and 2000, Respondent sent several letters to Hofeld and numerous television journalists articulating his theories.

In 2000, Respondent sent additional letters to Hofeld and television journalists suggesting that the government caused satellites to be focused on citizens, and that this practice was responsible for Gene Siskel's death and Tim Wigel's illness. Also in 2000, Respondent continued to send letters persisting with his complaints that his telephone calls were stolen. In one of these letters, Respondent wondered if the fact that two dead raccoons on the side of the road were evidence of time and money spent in an attempt to damage him.

Moreover, Respondent admitted that he heard voices on a daily basis and that he is the target of government satellites that follow him. Respondent explained that the voices ask him questions, but do not ask him to do things. However, the only example of a

question given by Respondent was whether he had seen anyone being killed. We are concerned by the topic of this question and believe it further support's Dr. Loomis's conclusion.

Respondent's delusional behavior was exemplified in his handling of Sharpenter's case. Initially, Respondent declined to represent Sharpenter in his criminal case. However, on the morning of the court hearing, Respondent went to his post office box and saw the front of a pair of women's pants pressed up against his box. Based on this incident, Respondent decided to represent Sharpenter, and appeared in court later that day. Respondent drafted the order giving him leave to file an appearance. In that order, Respondent recounted the incident at his post office box, and stated that he would investigate the incident.

According to Judge Wilson, who presided over Sharpenter's case, Respondent filed numerous motions in the criminal case, raising arguments that would have been appropriate in the civil case. Additionally, Respondent did not appear to understand the court's rulings and relitigated the same motions that had already been ruled on. Consequently, the case took three times longer to resolve than similar criminal cases. We also find that Respondent's propensity to raise inappropriate arguments and relitigate the same motions that have been ruled upon was also demonstrated in this disciplinary action.

Respondent argues that the fact that he successfully represented Sharpenter illustrates that he is capable of continuing to

practice law. We do not agree. We find that many of the problems identified by Dr. Loomis emerged during Respondent's representation of Sharpenter. Additionally, Respondent informed his client about the post office box incident, that his telephone calls were being stolen, that he heard voices and about the satellites. These statements did not bother Sharpenter, but they were certainly irrelevant to his case and further illustrate Respondent's lack of judgment. We do not believe that most other clients would have been as understanding.

RECOMMENDATION

Based on Respondent's admissions, the evidence presented, the testimony of Dr. Loomis, and our observations of the Respondent, we find that Respondent is currently incapacitated from continuing to practice law by reason of mental infirmity and/or mental disorder, and recommend that he be transferred to disability inactive status pending removal of the disability. Although we do not have the authority to require a specific treatment program for Respondent, we sincerely hope that Respondent will follow the treatment recommended by Dr. Loomis. Dr. Loomis stated that Respondent's condition would respond well to medication and that his prognosis would be good if he began treatment. Respondent's main obstacle to removing his disability is that he does not believe he has a problem and lacks insight into his symptoms. According to Dr. Loomis, Respondent's disability will remain until the Respondent recognizes his problem and seeks treatment for it. Therefore, we find that Respondent should be transferred to non-disciplinary inactive status

pending removal of his disability. See In re Belson, 93 CH 418, M.R. 9975 (1994) (attorney transferred to inactive status based on major depression).

Although this issue was not raised by the parties, based on independent discussions of the Panel, we find that the Americans with Disabilities Act (ADA) is not violated by our decision. The Illinois Supreme Court has not addressed the impact of the ADA on petitions brought pursuant to Supreme Court Rule 758. However, two Review Board decisions and the decisions of the Supreme Courts of other states have examined similar questions. The goal of the ADA is "equality of opportunity, full participation, independent living, and economic self-sufficiency" for a "qualified individual with a disability." 42 U.S.C. §1213(2). The ADA has been described as a mandate to provide reasonable accommodations for disabled persons so those persons can meet the essential eligibility requirements for a job, program or activity. Id.

It is clear that the ADA applies to attorney licensing agencies, however, it does not preclude imposing a discipline against an attorney for misconduct or declining to admit an attorney to the bar. Instead, the ADA bars discrimination against qualified individuals with disabilities. See In re Clark, 97 CH 111, M.R. 17713 (2001) (Rev. Bd. Dec.). "Discipline, or even disbarment, may be ordered if it is determined that the disability was not the sole cause of the misconduct or that the attorney is unqualified to practice law by reason of disability." In re Walsh, 94 CH 653, M.R. 16705 (2000)

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(Rev. Bd. Dec.). In other words, the ADA does not protect attorneys whose disabilities prevent them from meeting the essential requirements of the profession.

In one case, an attorney with bipolar disorder argued that to disbar him would violate the ADA. The court stated that a "person is a 'qualified' individual with a disability with respect to licensing if he or she, with or without reasonable accommodations, 'meets the essential requirements' for receiving his license." Florida Bar v. Clement, 662 So.2d 690(1995), quoting Stillwell v. Kansas City Bd. Of Police Comm'rs, 872 f. Supp. 682 (W.D. Mo 1995). The court further expalinged that this determination requires a case-by-case analysis of the disabled person and the job he seeks. In that case, the court found that Clement was not qualified to be an attorney because he committed serious misconduct, and not reasonable accommodation would make him qualified.

Similarly, the Supreme Courts I other states have found that the ADA did not preclude the imposition of discipline against attorneys. See In re Milloy, 571 N.E. 2d 39 (1997) (Minnesota Supreme Court relating to an attorney with Attention Deficit Disorder): People v. Reynolds, 993 P.2d 1295 (1997) Colorado Supreme Court relating to an attorney who suffered from depression); State ex res. Oklahoma Bar Assoc. v. Busch, 919 P.2d 1113 (1996) (Oklahoma Supreme Court relating to an attorney with Attention Deficit Disorder).

Applying the reasoning of these cases to the present case

supports the conclusion that finding Respondent incapable of practicing law would not violate the ADA. Respondent is currently incapacitated from practicing law by reason of mental infirmity and/or mental disorder. The expert testimony, which is supported by other evidence, establishes that Respondent's judgment is severely impaired and that the is unable to practice law. There is no evidence that he could continue to practice law with any reasonable accommodation, and therefore, the ADA is not violated.

Dated: July 18, 2002

/s/ John M. Steed, III

John M. Steed, III Chair of The Hearing Panel, Stephen H. Pugh, and Frances D. McConnell, Hearing Panel Members

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No. MR 18666

IN THE

SUPREME COURT OF THE STATE OF ILLINOIS

In the matter of:	)
	)
BRUCE F. BOWMAN, MR 18666	) Illinois Supreme Court No.
	)
Attorney-Respondent-Appellant,	) Commission No. 01 IA 2001
	)
No. 264881	)

6-11-2003 MOTION FOR LEAVE TO FILE
MOTION FOR REHEARING
2-21-2003 PETITION FOR LEAVE TO FILE EXCEPTIONS
RULE 758 MENTAL INFIRMITY OR MENTAL DISORDER

Now comes Attorney-Respondent-Appellant, BRUCE F. BOWMAN, and for his Motion for leave to File Motion for Rehearing on the 2-21-2003 Petition for Leave to File Exceptions states:

1. That 2-21-2003 Attorney-Respondent-Appellant BRUCE F. BOWMAN filed in the Supreme Court of Illinois:

PETITION FOR LEAVE TO FILE EXCEPTIONS
1-29-2003 REVIEW BOARD REPORT FILED
1-10-2003 REVIEW BOARD ORAL ARGUMENTS
7-18-2002 HEARING-BOARD REPORT FILED
1-28-2002 HEARING-BOARD HEARING AND TRANSCRIPT

and that 2-21-2003 Illinois Supreme Court Petition for Leave to File Exceptions was denied 5-22-2003 by the Supreme Court of Illinois.

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2. Prohibition against vague regulations of speech is based in part on need to eliminate impermissible risk of discriminatory enforcement. U.S.C.A. Const. Amend. 1, GENTILE v. STATE BAR OF NEVADA, 501 U.S. 1030, 115 L. Ed. 2d 888, 111 S. Ct. 2720, (1991).

3. Illinois Supreme Court Rule 758 fails to allege a rule for violation, such as "thou shall not advertise", or "thou shall not solicit clients, or as in GENTILE v. STATE BAR OF NEVADA, supra, "thou shall not talk to the news media", Rule 758 is a procedural rule, unconstitutionally vague, and violates Same Due Process of Law, and Equal protection of Law, United States Constitution Fourteenth Amendment, and violates United States Constitution First Amendment Freedom of Speech, and states:

> "RULE 758 Mental Disability or Addiction to Drugs or Intoxicants
>
> (a) Petition. If the Inquiry Board has reason to believe that an attorney admitted to practice in this State is incapacitated from continuing to practice law by reason of mental infirmity, mental disorder, or addiction to drugs or intoxicants, the Administrator shall file a petition with the Hearing Board requesting a hearing to determine whether the attorney is incapacitated and should be transferred to disability inactive status pending the removal of the disability, or be permitted to continue to practice law subject to conditions imposed by the court.
>
> (b) Hearing and Review Procedure. The hearing and review procedure shall be the same as provided in Rule 753 for disciplinary cases. The Administrator and

the attorney may consent to transfer to disability inactive status under the procedure set forth in Rule 762 (a).

(c) Transfer to Disability Inactive Status. If the court determines that the attorney is incapacitated from continuing to practice law, the court shall enter an order transferring the attorney to disability inactive status until further order of the court. The court may impose reasonable conditions upon an attorney's continued practice of law warranted by the circumstances.

(d) Stay of Disciplinary Proceedings. Disciplinary proceedings pending against an attorney shall be stayed while the attorney is on disability inactive status.

(e) Practice of Law Prohibited. No attorney transferred to disability inactive status may engage in the practice of law until restored to active status by order of the court. (Amended effective Nov. 1, 1990, amended June 29, 1999, effective Nov. 1, 1999.)

4. At the time of the filing of the Petition by the Administrator, MARY ROBINSON, there were no disciplinary proceedings pending against Attorney-Respondent-Appellant BRUCE F. BOWMAN.
5. The Petition filed by Administrator MARY ROBINSON fails to allege a rule for violation, and fails to allege facts constituting violation of a rule for violation.
6. The Petition filed by Administrator MARY ROBINSON fails to allege a rule for violation, and fails to allege a factual basis for violation of a rule for violation, and therefore fails to sufficiently allege a claim or cause of action, and should have been dismissed. GRAY v. PLANO 141 Ill. App. 3d 575, (1986).

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7. Rule of liberal construction of pleadings does not relieve plaintiff from duty of alleging nonconclusory factual allegations in complaint to reasonably inform defendant of elements necessary to state a cause of action. Gray v. Plano, 141 Ill. App. 3d 575 (1986).
8. Vague laws that may be a trap for the unwary are disfavored, particularly when the statute at issue abuts on sensitive areas of basic First Amendment freedoms and may inhibit the exercise of those freedoms. U.S.C.A. Const. Amend. 1., Dehne v. Avanino 219 F. Supp. 2d 1096 (D. Nev. 2001).
9. Statute or regulation is void for vagueness if it either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application. VIA v. TAYLOR 222 F. Supp. 2d 753 (D. Del. 2002).
10. Main purpose of the void for vagueness doctrine is to ensure fair and non-discriminatory application of the law; thus the void for vagueness doctrine finds repulsive laws that endow officials with undue discretion to determine whether a given activity contravenes the law's mandates. VIA v. TAYLOR 222 F. Supp. 2d 753 (D. Del. 2002).
11. Unconstitutionally vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application. VIA v. TAYLOR 224 F. Supp. 2d 753 (D. Del. 2002).
12. To ascertain whether statutory language is clear or ambiguous, courts look to the language of the statute itself, the specific context in which the language is used, and the broader context of the statute as a whole. Trigon Ins. Co. v. U.S., 215 F. Supp. 2d 687. (Va. 2002).
13. Attorney-Respondent-Appellant BRUCE F. BOWMAN raised the issue of the sufficiency of the Administrator's Petition, and the failure to allege a rule for violation, and

the failure to allege facts showing violation of a rule for violation. A Motion to Dismiss the Petition of Administrator MARY ROBINSON was filed with the Hearing Board, and with the Supreme Court of Illinois. There were also statements concerning failure to allege (1) A rule for violation, as "thou shall not. . .", and (2) failure to allege facts constituting violation of a rule for violation. Those statements might be found in the Hearing Board Transcript, and Exceptions to Hearing Board Report, and Review Board Oral Arguments, and Exceptions to Review Board Report.

14. The Petition of Administrator MARY ROBINSON fails to allege anything in the work of BRUCE F.BOWMAN, or any representation by BRUCE F. BOWMAN, in Court, or Before the Hearing Board, or Before the Review Board, that is either:
    (a) Unethical
    (b) Insufficient
    (c) Materially Improper
    (d) Incomplete.

15. The Petition of Administrator MARY ROBINSON also fails to allege proximate cause.

16. BRUCE F.BOWMAN has raised the issue of Statistical Evidence of Discrimination. The 2000 Annual Report of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois shows at pages 8, 14, and 15, RoA 446-447, Appendix pages A65, A66
    Year 2000 Number of Registered Attorneys in Illinois
    73,661
    Year 2000 New cases filed Petitions Alleging Impairment
    Rule 758
    2 NEW CASES FILED IN THE YEAR 2000
    Year 2000 Rules 757 and 758
    Petitions for involuntary transfer to inactive
    status

Due to mental disability or substance addiction
Allowed 2
Denied 1
TOTAL 3

There is statistical evidence of discrimination, considering the year 2000 number of registered attorneys in Illinois, 73,661, and the number of new cases filed 2, and the number of Petitions alleging mental disability or substance addiction considered 3.

17. Rule 758 concerning mental disability fails to allege (1) a Rule for Violation and fails to set forth criteria for (2) facts constituting violation of a rule for violation, and is arbitrary and can be discriminatory, and should be considered void.

18. May 3, 2001 Administrator MARY ROBINSON filed against BRUCE F. BOWMAN "PETITION PURSUANT TO SUPREME COURT RULE 758" that fails to allege rule violation, and fails to allege facts constituting violation of a rule for violation, and fails to allege proximate cause. Paragraph 2 of that Petition refers to an order ". . . prepared by Respondent on August 31, 2000. . ." and fails to say what is materially improper about that order, and that order is protected by freedom of speech and attorney-client privilege. There is a recent Federal Appeals Court, San Francisco, California freedom of speech case, a physician writing a prescription for marijuana is protected by freedom of speech. *USA TODAY* Wednesday, October 30, 2002, Section A, Page 3A.

19. Administrator MARY ROBINSON'S Petition Pursuant to Rule 758 refers to the belief's of BRUCE F. BOWMAN, and BRUCE F. BOWMAN believes, and believes there is evidence:

(1) Telephone calls are sometimes stolen
(2) There are voices over the airwaves
(3) Satellites are focused on and/or used on United States citizens.

The beliefs of Attorney-Respondent-Appellant BRUCE F. BOWMAN are protected by freedom of speech. United States Constitution, First Amendment, and In Re EDNA SMITH PRIMUS, 436 US 412, 56 L Ed 2d 417, 98 S Ct 1983 (1978).

20. In the case of In Re EDNA SMITH PRIMUS, supra, there was:
    (1) A rule for violation, thou shall not solicit clients
    (2) Alleged violation of a rule for violation EDNA SMITH PRIMUS spoke and wrote and was alleged to violate the rule against soliciting clients
    (3) The United States Supreme Court said, Protected by Freedom of Speech

    In the Illinois Attorney Registration and Disciplinary Commission case against BRUCE F. BOWMAN, there is

    (1) Failure to allege a rule for violation, as thou shall not . . .
    (2) Failure to allege violation of a rule for violation.
    (3) BRUCE F. BOWMAN'S beliefs are protected by freedom of speech, In Re EDNA SMITH PRIMUS, supra, and United States Constitution First Amendment.

21. As far as BRUCE F. BOWMAN'S belief that telephone calls are sometimes stolen is concerned there is evidence of telephone calls to AMERITECH by unidentified

suspects to disconnect the telephone of BRUCE F. BOWMAN.

1-28-2002 Hearing Administrator Exhibit After 33, not marked, in position of Admin. Ex 34, A 529-532, and refer to 1-28-2002 Hearing Board Actual Transcript page 119.

BRUCE F. BOWMAN wrote letters concerning telephone calls and facts, and denies being delusional or paranoid.

As a result of unidentified suspects telephone calls, BRUCE F. BOWMAN'S Aurora, Illinois telephone number (630) 844-1741 was disconnected and/or put on vacation service 12-6-2001.

BRUCE F. BOWMAN denies being delusional or paranoid. A 529-532.

Unidentified suspects from unidentified locations telephoned AMERITECH November 29, 2001 and December 3, 2001 and December 4, 2001 to disconnect and/or put on vacation service BRUCE F. BOWMAN'S Aurora, Illinois telephone number (630) 844-1741 beginning at midnight December 6, 2001.

22. As far as BRUCE F. BOWMAN'S belief that there are voices over the airwaves, and the belief there is evidence there are voices over the air waves is concerned, Paragraph 4 of Administrator MARY ROBINSON'S Rule 758 Petition also states in part in paragraph 4,

". . . In 1985, Respondent reported these voices to the Aurora Police Department and was involuntarily committed to a mental health facility. . . ."

Palm Sunday 1985 BRUCE F. BOWMAN complained to the Aurora Police Department of voices over the air waves, and

was involuntarily put in a mental hospital, and released a few days later, the following Thursday, and was in church with his parents Easter Sunday.

The reference in Administrator MARY ROBINSON'S Rule 758 Petition to 1985 voices over the airwaves is not relevant, and also is not relevant because of time in this case.

In December 1984 BRUCE F. BOWMAN complained of voices over the airwaves and was put in a mental hospital for a few days, including NEW YEARS EVE 1985, that is not relevant, and not relevant because of time in this case.

In 1984 and 1985 Attorney-Respondent-Appellant BRUCE F. BOWMAN represented plaintiff DEBORAH LEMKE in the case of LEMKE v. KENILWORTH INSURANCE COMPANY. That case, LEMKE v. KENILWORTH INSURANCE COMPANY is a 1985 Illinois Supreme Court case, 109 Ill. 2d 350 (1985).

In the years 2000, 2001, 2002 and 2003, Attorney-Respondent-Appellant BRUCE F. BOWMAN represented defendant ROBERT J. SHARPENTER in the Kendall County, Illinois case PEOPLE v. ROBERT J. SHARPENTER

Defendant ROBERT J. SHARPENTER was found 1-3-2001, NOT GUILTY on all 4 counts. A preliminary 6-5-2000 order entered when defendant ROBERT J. SHARPENTER represented himself, was appealed by Attorney-Respondent BRUCE F. BOWMAN to the Appellate Court, and Illinois Supreme Court, and a Petition for Writ of Certiorari was filed by BRUCE F. BOWMAN in the Supreme Court of the United States, No. 02-1455, and a Petition for Rehearing (Rule 44) was also filed by mailing 6-3-2003, in the Supreme Court of the United States.

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Administrator MARY ROBINSON questioned the ability of BRUCE F. BOWMAN to practice law and filed 5-3-2001 a 'PETITION PURSUANT TO SUPREME COURT RULE 758", '. . . that requests a hearing be held to determine whether Respondent Bruce F. Bowman, is incapacitated from practicing law by reason of mental infirmity and/or mental disorder and whether he should be transferred to disability inactive status pending removal of the disability . . . "

Administrator MARY ROBINSON filed 5-4-2001 with the Clerk of the Illinois Supreme Court a 'MOTION TO ORDER A MENTAL EXAMINATION OF RESPONDENT PURSUANT TO SUPREME COURT RULE 760"

An Order for Mental Examination was entered 5-11-2001, and apparently held and restamped filed 6-29-2001, the day BRUCE F. BOWMAN filed a Replay Brief in the Appellate Court of Defendant ROBERT J. SHARPENTER.

That Petition and Motion of Administrator MARY ROBINSON questioning the ability of BRUCE F. BOWMAN to practice law has now become this Illinois Supreme Court case, Commission No. 01 IA 2001, and Supreme Court of Illinois number MR 18666.

Some attorneys have not tried a case representing a defendant found NOT GUILTY on all four counts.

Some attorneys have not appealed a case to the Appellate Court of Illinois, or to the Supreme Court of Illinois.

Some attorneys have not filed a Petition for Writ of Certiorari in the Supreme Court of the United States, or a Petition for Rehearing in the Supreme Court of the United States.

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23. Satellites might be focused on and/or used on United States Citizens.

BRUCE F. BOWMAN'S 6-25-2000 letter used at the 1-28-2002 Hearing Board as Administrator Exhibit 26 refers to newspaper articles, Chicago Tribune Sunday 6-25-2000, section 5, page 2, and also Chicago Sun Times, 6-25-2002 page 26A.

The facts include WBBM CBS Television Chicago, Illinois now deceased employees GENE SISKEL and TIM WEIGEL were roommates at Yale University; both had brain cancer, both had brain surgery, and now both are dead.

The Sunday June 25, 2000 Chicago Sun Times page 26A article concerning the brains of Tim Weigel and Gene Siskel states:

"While doctors stress it is coincidence, three people who worked in the CBS building in Chicago, Siskel, Weigel, and Larry Dieckhaus, a former executive producer—developed brain tumors within a few years."

Television and newspaper journalists should have freedom of speech, freedom of the press, and freedom of association.

BRUCE F. BOWMAN should have freedom of speech, freedom of the press, and freedom of association, and be able to comment on newspaper articles.

There might be evidence that satellites are focused on and/or used on United States citizens.

24. Administrator MARY ROBINSON'S 5-4-2001 "MOTION TO ORDER A MENTAL EXAMINATION OF RESPONDENT PURSUANT TO SUPREME COURT RULE 760" consists of 3 paragraphs:

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"1. On May 3, 2001, the Administrator filed a petition with the Hearing Board of the Commission in In Re Bruce F. Bowman, 01 IA 2001. The Petition alleges that Respondent is incapacitated and should be transferred to inactive status as a result of his mental condition.

2. The Petition sets forth a variety of events which reflect upon Respondent's mental condition, including his filing of court documents containing inappropriate statements, his belief that his telephone calls are stolen and his claim of hearing voices over the airwaves on a daily basis. A copy of the Petition is attached as Exhibit One.

3. In order for this court and the Hearing Board to adequately assess Respondent's mental fitness, an examination conducted by a qualified physician is necessary."

25. Both the Administrator MARY ROBINSON'S Motion for a Mental Examination and Petition to Determine Whether BRUCE F. BOWMAN is Incapacitated From Practicing Law, FAIL TO:

(1) Allege a Rule for Violation
(2) Allege facts constitution Violation of a rule for Violation
(3) Consist of conclusions and opinions of the Administrator
(4) Is vague
(5) Fail to allege any representation by BRUCE F. BOWMAN in Court, or before the Hearing Board, that is either:
    (a) Unethical
    (b) Insufficient
    (c) Materially Improper
    (d) Incomplete

26. There is no evidence of any of the following showing proximate cause, or causal connection:
    (a) date, time, and place any such belief affected the representation of ROBERT J. SHARPENTER
    (b) HOW ANY BELIEF affected the representation of ROBERT J. SHARPENTER
    (c) Considering Defendant ROBERT J. SHARPENTER was found NOT GUILTY on all 4 counts, what adverse effect any belief had on the representation of Defendant ROBERT J. SHARPENTER
    (d) Any causal connection between BRUCE F. BOWMAN'S beliefs and the representation of Defendant ROBERT J. SHARPENTER, and the Motion for Mental Examination of BRUCE F. BOWMAN
    (e) Any Causal connection between BRUCE F. BOWMAN'S beliefs and the representation of Defendant ROBERT J. SHARPENTER and the Petition to Determine whether BRUCE F. BOWMAN is incapacitated from practicing law.

27. Administrator MARY ROBINSON failed to allege proximate cause, and there is no evidence of proximate cause concerning the beliefs of BRUCE F. BOWMAN, and the work of BRUCE F. BOWMAN representing Defendant ROBERT J. SHARPENTER.

28. Administrator MARY ROBINSON failed to allege proximate cause or causal connection concerning the beliefs of BRUCE F. BOWMAN, and any effect on the work of BRUCE F. BOWMAN, and any causal connection or to either the Rule 760 Motion for Mental Examination or the Rule 758 Petition to determine whether BRUCE F. BOWMAN is incapacitated from practicing law by reason of mental infirmity and/or mental disorder, and whether he should be transferred to

disability inactive status pending removal of the disability.

29. Attorney-Respondent-Appellant BRUCE F. BOWMAN represented the mother, JANET ROBERTS FOX in the trial court in DeKalb County, Illinois and in the Illinois Appellate Court case, In Re Dawn Marie Roberts 107 Il. App 3d 913, 918, (1982), and the trial count found no proximate cause and the Illinois Appellate Court stated at page 918:

"The trial judge found that no evidence had been adduced of any use of marijuana that impaired the mother's care of the child...."

Although the grandmother made statements concerning the use of marijuana, there was no proximate cause, no evidence of use of marijuana, that impaired the mother's care of the child.

30. BRUCE F. BOWMAN thinks BRUCE F. BOWMAN did a good job at the Hearing Board cross-examining a psychiatrist, DR. S. DALE LOOMIS. Some lawyers have cross-examined a physician. Not many lawyers have cross-examined a psychiatrist.

31. At the 1-28-2002 ARDC Hearing Board Hearing, Attorney-Respondent BRUCE F. BOWMAN cross-examined DR. S. DALE LOOMIS, beginning at Report of Proceedings 114 and continuing through page 136, RoA 114-136, A 152-174. The Report of Proceedings Volume contains telephone interrogation transcripts. The Actual 1-28-2002 Hearing Board Transcript showing cross-examination of Dr. S. DALE LOOMIS by BRUCE F. BOWMAN begins on 1-28-2002 at page 50.

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32. Some of BRUCE F. BOWMAN'S 1-28-2002 Hearing Board cross-examination of Dr. S. DALE LOOMIS is shown in the Illinois Supreme Court Petition for Leave to File Exceptions, pages 27-31.

33. The Hearing Board should not have allowed Dr. S. DALE LOOMIS to testify. Dr. S. DALE LOOMIS was not on a list of witnesses filed within 28 days, contrary to and in violation of RULE 253 that provides in part:

"Within 28 days of service of the complaint on the respondent, the Administrator and the attorney-respondent shall file a report disclosing the name, address and telephone numbers of all persons who have knowledge of the facts which are the subject of the proceeding...

The Hearing Board shall not allow the Administrator or the attorney-respondent to offer the testimony of any person, the identity and location of whom the Administrator or attorney-respondent failed to disclose pursuant to this rule."

34. The Hearing Board Should not have allowed Dr. S. DALE LOOMIS to testify, considering DOLAN v. GALLUZZO 77 Ill 2d 279, 285,396 N. E. 2d (1979)

A good case concerning a physician attempting to testify against the work of another physician is DOLAN v. GALLUZZO, supra THAT STATES AT PAGE 285:

"We therefore hold that in order to testify as an expert on the standard of care in a given school of medicine, the witness must be licensed therein. Once the fact of license is established, it lies within the sole discretion of the trial court to determine if the witness is qualified to testify as

an expert regarding the standard of care" DOLAN v. GALLUZZO, 77 Ill 2d279, 285 396N.E. 2d 13 (1979).

35. Dr. S. DALE LOOMIS is not licensed to practice law. Dr. S. DALE LOOMIS is not qualified to judge the work of an attorney.

36. Dr. S. DALE LOOMIS gave Attorney BRUCE F. BOWMAN the MMPI-2 test, a true false test, with questions like:

    At times I feel like swearing.
    I seldom worry about my health.
    I enjoy detective or mystery stories.

37. BRUCE F. BOWMAN does not think the MMPI-2 test is sufficient to determine:

    (1) The ability of BRUCE F. BOWMAN to practice law
    (2) If BRUCE F. BOWMAN suffers from mental disability or mental disorder.
    (3) Proximate cause of any effect on the ability of BRUCE F. BOWMAN to practice law.

38. BRUCE F. BOWMAN does not think the MMPI-2 test shows any factual evidence that BRUCE F. BOWMAN might be or is incapacitated from practicing law, and BRUCE F. BOWMAN denies being incapacitated because of mental infirmity or mental disorder

39. Although CHRISTINE P. ANDERSON questioned Dr. S. DALE LOOMIS about the MMPI-2 test given BRUCE F. BOWMAN, apparently CHRISTINE P. ANDERSON never received a copy of the test before BRUCE F. BOWMAN'S cross-examination of Dr. S. DALE

LOOMIS at the 1-28-2002 Hearing. CHRISTINE P. ANDERSON objected to Respondent BRUCE F. BOWMAN'S Exhibit 7, the MMPI-2 test. Refer to 1-28-2002 transcript page 58, RoA 122, A 192.

40. ADMINISTRATOR'S ANSWER TO RESPONDENT'S PETITION FOR LEAVE TO FILE EXCEPTIONS states at page 8, "Because it was difficult to get information from Respondent, Dr. Loomis had three appointments with him, rather than the single appointment he usually has ""for an ARDC consultation."" R.107"

41. Dr. S. Dale Loomis is not licensed to practice law, and it is hard to imagine him being able to judge the ability of someone to practice law in a one hour appointment, or in three one and one half hour appointments.

42. Page 7 of ADMINISTRATOR'S ANSWER TO RESPONDENT'S PETITION FOR LEAVE TO FILE EXCEPTIONS states, " "Dr. Loomis met with respondent on three occasions, for an hour or an hour and one half each time. R.99 Respondent also completed a self-administered psychological test, the Minnesota Multiphasic Personality Inventory, R99"

43. As previously stated, the MMPI-2 test, or Minnesota Multiphasic Personality Inventory, is a true or false test, with true or false questions like:

    At times I feel like swearing.
    I seldom worry about my health.
    I enjoy detective or mystery stories.

The MMPI-2 test should not be considered an accurate measure of the ability of someone to practice law.

44. BRUCE F. BOWMAN thinks a good case concerning a physician testifying against the work of another is DOLAN V. GALLUZZO 77 Ill 2d 179, 285, 396 N.E. 2d 13 (1977).

If a physician is going to testify against the work of another physician, the testifying physician must be a licensed physician.

If a physician is going to testify against the work of a specialist physician, the testifying physician must be licensed physician, and further qualified.

Dr. S. Dale Loomis is not licensed to practice law and should not have been allowed to testify concerning the ability of Attorney-Respondent BRUCE F. BOWMAN to practice law.

Dr. S. DALE LOOMIS is not qualified to judge the work of an attorney.

45. BRUCE F. BOWMAN thinks BRUCE F. BOWMAN did a good job cross examining a psychiatrist, Dr. S. DALE LOOMIS, at the 1-28-1002 Hearing Board Hearing.

46. Attorney-Respondent BRUCE F. BOWMAN delivered information concerning BRUCE F. BOWMAN, and filings and writings to the office building of Dr. S. DALE LOOMIS, and used some of that information at the 1-28-2002 ARDC Hearing.

47. Attorney-Respondent BRUCE F. BOWMAN 1-28-2002 Hearing Board Exhibits included:

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Resp. Ex 5	9-5-2001	Loomis Examination Material
Resp. Ex 6	9-19-2001	Loomis Examination Material

48. Attorney-Respondent BRUCE F. BOWMAN preserved, and used at the 1-28-2002 Hearing Board Hearing

Resp. Ex 7	9-5-2001	Loomis Test, and that is the true or false MMPI-2 Minnesota Multiphasic Personality Inventory. A 360-A411 of the Hearing Board Supplemental Appendix.

49. Attorney-Respondent BRUCE F. BOWMAN took the time to include several pages of 1-28-2002 ARDC Hearing cross examination of Dr. S. DALE LOOMIS in the 9-13-2002 Brief and Argument of BRUCE F. BOWMAN filed 9-13-2002. The 1-28-2002 Hearing Transcript cross examination of Dr. S. DALE LOOMIS, begins on page 50 and continues through 72. The ARDC Report of Proceedings Volume pages are 114-126 and 9-13-2002 Brief and Argument Appendix pages A152-A174.

50. Dr. S. DALE LOOMIS did not recognize a motion to dismiss the proceeding at which he was testifying.

51. Dr. S. DALE LOOMIS did not recognize Illinois Appellate Court decisions, and was shown both a published Appellate Court opinion, and a Rule 23 Appellate Court opinion.

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52. Dr. S. DALE LOOMIS gives the MMPI-2 test to essentially all new patients. The MMPI-2 test does not measure the ability of non-lawyers to practice law. The MMPI-2 test does not measure the ability of BRUCE F. BOWMAN to practice law.

53. There is essentially no factual basis for Dr. S. DALE LOOMIS to testify that BRUCE F. BOWMAN is incapacitated from practicing law.

54. BRUCE F. BOWMAN focused the Argument of the Appellant Brief filed 9-13-2002 on the testimony of Dr. S. DALE LOOMIS, read pages 20-28, of that brief.

55. BRUCE F. BOWMAN took the time to write more than one page concerning the testimony of Dr. S. DALE LOOMIS in 12-6-2002 Appellant Reply Brief, read pages 18-19.

56. There is nothing in the testimony of any witness, including DR. S. DALE LOOMIS, that any of the work of Attorney-Respondent BRUCE F. BOWMAN was:
    (1) unethical
    (2) insufficient
    (3) materially improper
    (4) incomplete.

57. The cases cited by the administrator involve (1) wrongdoing, like Hessberger killed his wife, and was found not guilty by reason of insanity, and (2) a mental allegation, In Re Hessberger 96 Ill 2d 423, 451 NE 2d 821 (1983).

58. There is nothing in the testimony of any witness, including the testimony of DR. S. DALE LOOMIS concerning the actual work of BRUCE F. BOWMAN being a material violation of any rule.

59. There is evidence that Administrator MARY ROBINSON and her attorneys CHRISTINE P. ANDERSON and JULIA MARK violated 3 published Supreme Court Rules:

(1) Rule 253 File a List of Witnesses within 28 days

(2) Rule 260 Initial Prehearing Conference at the Office of the Attorney Registration and Disciplinary Commission with Respondent Present.

(3) Rule 276 each party must appear at the hearing and testify. MARY ROBINSON was not at the hearing and did not testify. CHRISTINE P. ANDERSON was at the hearing and did not want to testify. LEONARD WOJTECKI wrote the letter to the Attorney Registration and Disciplinary Commission, and was not at the hearing and did not testify.

60. Attorney-Respondent BRUCE F. BOWMAN has represented ROBERT J. SHARPENTER in the trial court, Illinois Appellate Court, Supreme Court of Illinois, and recently in the Supreme Court of the United States.

The actual 1-28-2002 Hearing Board Transcript states at page 146, and continuing on page 147,

By MR. BOWMAN: Were you satisfied with the motions that I filed for you in Kendall County?

MR. SHARPENTER: I have been satisfied with every motion that you have ever filed for me in any case where you represented me, and Kendall County was certainly no different in that , so I would say extremely satisfied and confident and trusting.

...

Later at page 147

MS. ANDERSON (ARDC Attorney) Objection. He's already testified about his satisfaction. I don't think he needs...

CHAIRMAN STEED: I agree it's been asked and answered, Mr. Bowman. He's gone through how satisfied he is with you.

MR. BOWMAN: I have no further questions.

61. The woman in the Lake Geneva, Wisconsin post office referred to in the 8-31-2000 court order might be able to be identified.

62. The person and or persons that telephoned Ameritech 11-20-2001, 12-3-2001, and 12-4-2001, to disconnect BRUCE F. BOWMAN'S Aurora, Illinois telephone number (630) 844-1741, might be able to be identified.

63. Was the Order for Mental Examination entered 5-11-2001 held and then restamped filed 6-20-2001 the day BRUCE F. BOWMAN filed a Reply Brief into the Appellate Court for Defendant ROBERT J. SHARPENTER? Who held that Order for Mental Examination, and for what reason?

64. Were all the Hearing Board Members licensed to practice law? What is the identity of people who wrote the Hearing Board report? The ARDC has failed to answer questions.

65. I think I made a good oral argument at the Review Board of the Attorney Registration and Disciplinary Commission 1-10-2003. I paid to have the tape transcribed. I was told I needed a motion to file the transcript. The Attorney Registration and Disciplinary Commission objected to the 1-10-2003 Review Board

Oral Argument Transcript being filed. Read the 1-10-2003 Review Board Oral Argument Transcript.

66. Read the 1-28-2002 Hearing Board Transcript cross examination testimony of Dr. S. Dale Loomis, cross examination by BRUCE F. BOWMAN, 1-28-2002 actual transcript pages 50-72, Report of Proceedings pages 114 through 126, RoA 114-136, A152-174.

1-18-2002 Hearing Board cross examination testimony of Dr. S. Dale Loomis includes cross examination by BRUCE F. BOWMAN as shown at pages 53-54.

MR. BOWMAN:

Q. A document filed July 17, 2001 motion pursuant to Rule 235 to strike and dismiss petition pursuant to Rule 758, do you remember if you read that document.

DR. LOOMIS:
A. No.

Q. Do you have any idea what that document concerns?
A. Very little.

Q. If I told you that document concerns the hearing at which you are testifying today, would that make any sense to you?
A. Could be interesting, but I don't know the relevance of it?

MR. BOWMAN
Q. Well this is an Illinois Supreme Court Rule 758 hearing.

DR. LOOMIS

A. But that, of course, means nothing to me.

WHEREFORE Attorney-Respondent-Appellant BRUCE F. BOWMAN asks:

(1) That this MOTION FOR LEAVE TO FILE MOTION FOR REHEARING ON 2-21-2003 PETITION FOR LEAVE TO FILE EXCEPTIONS be granted.

(2) That the Hearing on 2-21-2003 PETITION FOR LEAVE TO FILE EXCEPTIONS be filed.

(3) That this case be set for Illinois Supreme Court Oral Arguments. I would think you would want to see what I look like and sound like in Court before determination that I am supposedly incapacitated from practicing law by reason of mental infirmity or mental disorder.

(4) That RULE 758 Mental Disability be declared unconstitutional. RULE 758 is a procedural rule that fails to allege a rule for violation, and is therefore vague, and makes discriminatory enforcement possible, and violates Due Process of Law and violates Equal Protection of Law, United States Constitution Fourteenth Amendment, and also violates Freedom of Speech, United States Constitution First Amendment.

(5) For such other and further relief as equity may require.

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Respectfully Submitted,

BRUCE F. BOWMAN, 0264881
1741 West Galena Blvd.
Aurora, Illinois 60506
Telephone (630) 844-1741
Wisconsin Telephone and
Ameritech Voice Mail (262) 248-1539

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(Seal)
SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62702

Juleann Honyak
Clerk of the Court
217-782-2035

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June 29, 2001

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Ms. Julie A. Mark
Attorney Registration and
Disciplinary Commission
One Prudential Plaza, S# 1500
130 E. Randolph Drive
Chicago, IL 60601

In re: Bruce F. Bowman. M. R. 17534

Dear Ms. Mark:

Enclosed please find a certified copy of an order entered today by the Supreme Court of Illinois in the above entitled cause.

Very truly yours,
/s/ Juleann Hornyak
Clerk of the Supreme Court

JH/cjb
Enclosure

cc: Bruce F. Bowman
Joseph A Schillaci
Kenneth Jablonski, Clerk of Commission

RoA C000254 A319 VS 57

M.R.17534 – In re: Bruce F. Bowman. Disciplinary Commission.

The motion by Administrator of the Attorney Registration and Disciplinary Commission to order a mental examination of respondent Bruce F. Bowman pursuant to Supreme Court Rule 760 is allowed. The examination shall be conducted by a physician chosen from a panel of physicians selected and maintained by the Administrative Office of the Illinois Courts.

Ordered by the Court.

FILED
JUN 29 2001
SUPREME COURT CLERK

RoA C000255 A320 US 58

State of Illinois
Supreme Court

I, JULEANN HORNYAK, *Clerk of the Supreme Court of the State of Illinois, and keeper of the records, files and Seal thereof do hereby certify the foregoing to be a true copy of* an order entered today by the Supreme Court of Illinois in a certain cause entitled:

In re:	)	
	)	
Bruce F. Bowman	)	
	)	Atty. Reg. & Disc. Comm.
Respondent	)	01IA2001
	)	
M.R. 17534	)	
	)	

filed in this office on the 11th *day of May* *A.D. 2001*

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said court this 29th *day of* June 2001

/s/ Juleann Hornyak *Clerk*
Supreme Court of the State of Illinois

C000256

RoA C000256, mailing 257-8 A321-323 US 59
Resp. Ex. 24 RoA C000256 A324 US 59

BEFORE THE HEARING BOARD OF THE ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION

In the matter of:		
BRUCE F. BOWMAN	)	Commission No. 01 IA 2001
Attorney-Respondent, No. 264881	)	

ORDER

THIS MATTER coming on calendar pursuant to a motion by the Respondent for a rehearing as to prior rulings made by the chair concerning his motion to strike the Administrators Rule 253 report and barr witnesses from being called by the Administrator, with arguments being filed by both the Respondent and the Administrator, and after a review of those arguments,

IT IS HEREBY ORDERED:

1. The motion by the Respondent for a reconsideration and rehearing of this Chair's orders made at the status hearing of October 17 and placed in a written order dated October 18, 2001 is denied.

The Clerk of the Commission shall forward this order to all parties of record.

ENTER
/s/ John M. Steed
John M. Steed, Chair of the Hearing Panel

Date entered: November 15, 2001

FILED
Nov 20 2001
Atty Reg & Disc Comm
Chicago 0000762

RoA C000762 A238 US60

SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

JULEANN HORNYAK
Clerk of the Court
(217) 782-2035

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September 24, 2001

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Mr. Bruce F. Bowman
1741 West Galena Blvd.
Aurora, IL 60506

TODAY THE COURT ENTERED THE FOLLOWING ORDER:
M.R. 17534 – In re: Bruce F. Bowman. Disciplinary Commission

The motion by Bruce F. Bowman for leave to file reply instanter is allowed.

The motion by Bruce F. Bowman to vacate the Court's order of examination and for certain other relief is denied.

Orders entered by the Court.

cc: Ms. Christine P. Anderson
Ms. Julie Mark
Mr. Kenneth Jablonski, One Prudential Plaza

RoA C000677 A344 0000677 US 61

ILLINOIS SUPREME COURT RULES, January 2001, ARDC Rules
Gray Book, 1-28-2002 Hearing Respondent Exhibit 15

Page 16, January 2001 Illinois Supreme Court Rules, ARDC Rules

RULE 753 Inquiry, Hearing and Review Boards

...

(b) **Filing a Complaint.** A complaint voted by the Inquiry Board shall be prepared by the Administrator and filed with the Hearing Board. The complaint shall reasonable inform the attorney of the acts of misconduct he is alleged to have committed.

(c) **Hearing Board**

(1) There shall be a Hearing Board. It shall consist of members of the bar of Illinois and nonlawyers appointed by the Commission to serve annual terms as commissioners of the court. Members hall be appointed to the Board in a ratio of two lawyers for each nonlawyer.

(2) The Hearing Board may act in panels of not less than three members each, as designated by the Commission. The Commission shall also designate one of the lawyer members of each panel as chairperson. The majority of a panel shall constitute a quorum and the concurrence of a majority shall be necessary to a decision. In the absence of the chairperson of a panel

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at a hearing, the lawyer member present shall serve as acting chairperson.

(3) The hearing panels shall conduct hearings on complaints filed with the Board and on petitions referred to the Board. The panel shall make findings of fact and conclusions of fact and law, together with a recommendation for discipline, dismissal of the complaint or petition, or non disciplinary disposition. The Hearing Board may order that it will administer a reprimand to the respondent in lieu of recommending disciplinary action by the court.

...

Page 19, January 2001 Illinois Supreme Court Rules, ARDC Rules

RULE 758

Mental Disability or Addiction to Drugs or Intoxicants

(a) **Petition**. If the Inquiry Board has reason to believe that an attorney admitted to practice in the State is incapacitated from continuing to practice law by reason of mental infirmity, mental disorder, or addiction to drugs or intoxicants, the Administrator shall file a petition with the Hearing Board requesting a hearing to determine whether the attorney is incapacitated and should be transferred to disability inactive status pending the removal of the disability, or be permitted to continue to practice law subject to conditions imposed by the court.

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(b) **Hearing and Review Procedure.** The hearing and review procedure shall be the same as provided in Rule 753 for disciplinary cases. The Administrator and the attorney may consent to a transfer to disability inactive status under the procedure set fort in Rule 762 (a).

(c) **Transfer to Disability Inactive Status.** If the court determines that the attorney is incapacitated from continuing to practice law, the court shall enter an order transferring the attorney to disability inactive status until further order of the court. The court may impose reasonable conditions upon an attorney's continued practice of law warranted by the circumstances.

...

Page 20, January 2001 Illinois Supreme Court Rules, ARDC Rules

RULE 760. Appointment of Medical Experts

(1) In any proceeding under Rule 757, 758, 759, or 770 upon motion of the administrator or the attorney, the Court may order a mental or physical examination of the attorney. Such examination shall be conducted by a member of a panel of physicians chosen for their special qualifications by the Administrative Office of the Illinois Court.

(2) The examining physician shall prepare a report of his examination and copies of the report shall be given to the Court, the Hearing Board, the Administrator, and the attorney.

(3) The Administrator, the attorney or the Hearing Board may call the examining physician to testify. A physician so called shall be subject to cross-examination.

(4) The cost of the examination and the witness fees of the physician if called to testify, shall be paid from the Disciplinary Fund.

...

Page 42, January 2001, Illinois Supreme Court Rules, ARDC Rules

RULE 235.

Motion in Regard to Pleadings. All motions in regard to pleadings shall be made in writing prior to hearing. Rulings on motions shall be made by the chair of the panel or in a manner as the chair shall determine. Technical objections to pleadings shall not be favored and a pleading shall not be held defective unless the alleged defect results in actual prejudice to the objecting part. No oral arguments shall be allowed on motions. The movant may submit written suggestions with citations of authority in support of the motion and the other party may submit counter suggestions within 7 days after receipt of the movants suggestions. All defects in pleadings, either in form or substance, shall be deemed waived if not objected to before hearing.

...

RULE 251

Discovery. Except as provided herein, discovery practice shall be in accordance with the Code of Civil Procedure and the Rules of the Supreme Court.

...

RULE 253

Disclosure of Witnesses. Within 28 days of service of the complaint upon respondent, the Administrator and the attorney-respondent shall file a report disclosing the name, address and telephone numbers of any and all persons who have knowledge of facts which are the subject of the proceeding, including but not limited to the character or reputation of the attorney-respondent. Upon becoming aware of the identity of additional persons with knowledge, the Administrator and attorney-respondent shall file a further report disclosing their name, address and telephone number. The Hearing Board shall not allow the Administrator or the attorney-respondent to offer the testimony of any person, the identity and location of whom the Administrator or attorney-respondent failed to disclose pursuant to this rule.

...

RULE 260.

Prehearing Conferences

(a) **Prehearing Conference.** A prehearing conference shall be held at the offices of the Attorney Registration and Disciplinary Commission in every case filed before the Hearing Board. As soon as practicable after the filing of the complaint or petition, a member of the Hearing Board who has been designated Chair in the case shall schedule and preside over the prehearing conference. The respondent or petitioner, counsel for respondent or petitioner if any, and counsel for the

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Administrator shall personally attend the prehearing conference. Upon a showing of good cause, the Chair may excuse the respondent or petitioner from attending the prehearing conference.

...

(e) Status Conferences.

In addition to formal prehearing conferences, the Chair may, within his sound discretion, schedule status conferences to be held in person or by telephone.

...

RULE 276

Exhibits. Each party must appear at hearing with all documentary exhibits prepared in the following manner:

...

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ILLINOIS COMPILED STATUTES, 735 ILCS 5/2-607

5/2-607. Bills of particulars

§ 2-607 Bills of particulars. (a) Within the time a party is to respond to a pleading, that party may, if allegations are so wanting in details that the responding party shall be entitled to a bill of particulars, file and serve a notice demanding it. The notice shall point out specifically the defects complained of or the details desired. The pleader shall have 28 days to file and serve the bill of particulars, and the party who requested the bill shall have 28 days to plead after being served with the bill.

...

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